SH2345313/FO2345311

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Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 09/23/14	Bureau/Station/Facility: Pico Rivera Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 013-08079-1516-056	Date: 11/01/13 Time: 0809 hours
City or Station: Pico Rivera	Nature of Incident: Suspect Ramirez lunged at deputy personnel with a butcher knife. Deputy Avila fired his 9MM firearm twice at Suspect Ramirez, missing him.
Location: [redacted] E. Slauson Avenue	

Location Type (*check one or more*):
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☑ Residence
☐ Rural
☐ School
☐ Street
Other: ____

Lighting (*check only one*):
☐ Darkness
☑ Daylight
☐ Other
☐ Street Lights

Weather (*circle only one*):
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: 22 feet

Incident Type (*check one or more*):
☐ Accidental
☑ Armed Person
☐ Fleeing Suspect
☐ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other: ____

Initiated by (*check only one*):
☐ Arrest Warrant
☑ Call
☐ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (*check only one*):
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy: 2

Total # of Shots Fired by Suspect: 0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Bille	Ernest	O.	☐ EM ☐ PM ☑ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	☐ EM ☐ PM ☑ Day	☐ Regular ☑ Overtime ☐ Off Duty
[redacted]	Morrow	Travis	nmn	☐ EM ☐ PM ☑ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
None				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Bille	Ernest	O.	☑ On Duty ☑ Present during shooting ☑ Witness to shooting ☑ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Gallego	Debbie	A.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Smith	Robert	A.

PSTD Use Only

SH # ____

Officer Involved Shooting
Involved Employee Information

URN: 013-08079-1516-056

Involved Employee

E 1

Employee # [redacted]	Last Name: Avila	First Name: David	M.I.: M.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: CISU (was Pico)	Work Assignment (Unit #, Module, etc.): 151F
ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☑
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson	Caliber: 9MM # Shots: 2	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Carrillo Jr.	Francisco	nmn	6631 S. Passons Avenue	90660	562 949-2421	Use business
Foster	Michael	D.	6631 S. Passons Avenue	90660	562 949-2421	Use business
Cantu	Andres	nmn	6631 S. Passons Avenue	90660	562 949-2421	Use business

Officer Involved Shooting
Suspect Information

URN: 013-08079-1516-056

Suspect Information

S 1

Last Name: Ramirez		First Name: Gilbert	M.I. G.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 52 D.O.B. 09/01/62	Height: 600 Weight: 160	FBI # [redacted]	CII # [redacted]
Booking # 3760650	Primary Charge: 245 (c) P.C.	Secondary Charge: 368 (b) (1) P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☑	Criminal History? [redacted]
Vehicle Make	N/A	Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

Officer Involved Shooting

URN: 013-08079-1516-056

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/01/13	1030 hours	09/23/14	

Employee #	Last Name	First Name	M.I.
[redacted]	Bracken	Sonja	M.
[redacted]	Barron	Eric	A.
[redacted]	Mauldin	Donnie	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OE	ZZ				NN	
E1	S1	FH	SW	9	Y	Y	NN	

See Front Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED NON-HIT SHOOTING (Category 3)
USE OF 37 MM ARWEN (Category 2)
TAKEDOWN/RESISTIVE HANDCUFFING (Category 1)

UNIT:	Pico Rivera Station
DATE:	November 1, 2013, Friday
TIME:	0809 Hours
LOCATION:	[redacted] East Slauson Avenue, Pico Rivera, CA. 90660
URN#:	013-08079-1516-056
IAB#:	SH2345313/FO2345311

Opening Statement:
On November 1, 2013, Pico Rivera Station deputies responded to a vandalism call at the location listed above. Suspect Gilbert Ramirez had taken his [redacted] hostage and was using her as a human shield. Suspect Ramirez threatened deputies with a ballpeen hammer and a knife. During the course of the incident, Suspect Ramirez was struck with three arwen rounds, and one deputy fired two rounds from a 9MM firearm, missing Suspect Ramirez. Internal Affairs Bureau Lieutenant Donnie Mauldin, Sergeant Sonja Bracken, and Sergeant Eric Barron responded to the scene. Sergeant Bracken was assigned to conduct an administrative review of the incident.

Synopsis:
On October 30, 2013, Sergeant Ernest Bille had previously been at Suspect Gilbert Ramirez's home and spoke to him regarding him having spray painted derogatory words on his house and vehicle (1998 Chevy Astro Minivan, Grey in color, License [redacted]). Once the vandalism call came in on November 1, 2013, Sergeant Bille responded to ascertain if any new vandalism had occurred. As Sergeant Bille got out of his patrol vehicle, he encountered Suspect Ramirez in the driveway. Suspect Ramirez raised a hammer and threatened to kill Sergeant Bille if he did not stay away. Sergeant Bille tried to reason with Suspect Ramirez, who then went to the passenger side of his minivan and physically pulled out an elderly woman. The woman was determined to be his [redacted] (referred to as [redacted] in this case). Suspect Ramirez held her in a hostage type grasp as he continued to threaten Sergeant Bille. As Suspect Ramirez backed up toward the front porch of his residence while holding his [redacted] Sergeant Bille slowly moved forward. When Suspect Ramirez reached the front door of his home, he pushed his [redacted] inside and began to close the door. Fearing for [redacted] safety, Sergeant Bille fired a taser at Suspect Ramirez but the darts hit the metal screen door as it closed.

Sergeant Bille requested assistance and maintained a point of cover until assisting units arrived. He also requested the Crisis Negotiations Team, the Special Enforcement Bureau (SEB), and the Fire Department to stage nearby. Once assisting Pico Rivera Station units arrived, Sergeant Bille formed a tactical plan initially designating Deputy David Avila as a less-lethal option (taser), Deputy [redacted] as the less-lethal shooter (arwen), himself along with Deputy Foster as lethal, and other deputies as an arrest team. From previous incidents at the location, Detective [redacted] seemed to have developed a rapport with Suspect Ramirez, and was designated to try and convince Suspect Ramirez to surrender peacefully. As he was on the front porch of his home, Suspect Ramirez became increasingly agitated with deputy personnel's presence. Suspect Ramirez suddenly ran inside his home and came back out swinging a large butcher knife as he moved toward the deputies. Deputy Avila dropped the taser and fired two 9mm rounds at Suspect Ramirez, while Deputy [redacted] fired two arwen rounds at him. The 9mm rounds missed Suspect Ramirez but the arwen rounds struck him in the left hip and right hand. Suspect Ramirez then ran back into the house.

Once SEB arrived on scene, a plan was formulated to ruse Suspect Ramirez out of his residence by offering him his cell phone which he had left in his vehicle. Detective [redacted] tossed Suspect Ramirez's cell phone on the lawn area, in front of the porch to get him to come out and pick it up. As he did, SEB Sergeant [redacted] directed Deputy [redacted] to fire the arwen. Suspect Ramirez was struck in the torso area by the arwen round, causing him bend over in pain. Suspect Ramirez then retreated back into the house. SEB Sergeant [redacted] and SEB Deputy [redacted] grabbed Suspect Ramirez as he got inside the front door and took him to the ground. Suspect Ramirez retrieved a pair of garden sheers from an unknown location. Sergeant [redacted] and Deputy [redacted] were able to disarm him and take him into custody without further incident. SEB Deputy Jeffrey Coates and Sergeant Thomas Giandomenico rescued [redacted] Suspect Ramirez was treated for bruising caused by the arwen rounds, and approved for booking. He was booked for Assault with a Deadly Weapon on a Peace Officer, Elder Abuse, and Criminal Threats. It was determined that both 9mm rounds went through the wood front door, exited and lodged in the kitchen area inside the house.

> **IAB Note:** During the incident, Sergeant Bille set up a video camera in the front yard of the residence. Refer to the CD in **Exhibit F**, labeled "Sergeant Bille Video." The video is 34:27 minutes long; however the use of force/shooting occurred around the 5:40 minute mark. The end of the incident was captured from above on video by a Channel 5 News Helicopter. Refer to the DVD in **Exhibit F**, labeled "Channel 5 News Video."

> **IAB Note:** Pico Rivera Station audios are submitted in **Exhibit F**.

The following deputy personnel reported the following use of force:

Deputy [redacted] Fired three 37mm arwen rounds.

Deputy Avila: Fired two rounds from his 9mm firearm.

SEB Sergeant [redacted] Takedown and resistive handcuffing.

SEB Deputy [redacted] Takedown and resistive handcuffing.

IAB Note: For further details, refer to Exhibit A, pages 1- 46, for deputy personnel's individual reports.

The following review is based on written documentation and interviews with the involved deputy personnel.

INVOLVED PERSONNEL

[redacted], Deputy Sheriff # [redacted]
[redacted]

Work History

Date of Employment: [redacted]
Assigned to patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: 02/2003
Prior Founded Force Incidents: [redacted]

Avila, David, Deputy Sheriff # [redacted]
[redacted] (Assigned to Pico Station at the time of the incident.)

Work History

Date of Employment: 02/1999
Assigned to patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted], Sergeant # [redacted]
Homeland Security Division
Special Enforcement Bureau (Gold Team)

Work History

Date of Employment: 03/1991
Assigned to patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: 4-total (2 in 2003, 1 in 2004, 1 in 2006)
Prior Founded Force Incidents: [redacted]

[redacted] Deputy Sheriff #[redacted]
Homeland Security Division
Special Enforcement Bureau (Gold Team)

Work History

Date of Employment: 01/1991
Assigned to patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

Suspect

Ramirez, Gilbert MH/09-01-62 aka Smiley
[redacted]

Criminal History

Suspect Ramirez [redacted]

Sworn Witnesses

Bille, Ernest, Sergeant #[redacted]
450 Bauchet Street
Los Angeles, California 90012


[redacted] #[redacted]

Morrow, Travis, Deputy Sheriff #[redacted]
6631 South Passons Avenue
Pico Rivera, California 90660

Carrillo Jr., Francisco, Deputy Sheriff #[redacted]
6631 South Passons Avenue
Pico Rivera, California 90660

Foster, Michael, Deputy Sheriff #[redacted]
6631 South Passons Avenue
Pico Rivera, California 90660

Cantu, Andres, Deputy Sheriff #[redacted]
6631 South Passons Avenue
Pico Rivera, California 90660

Coates, Jeffrey, Deputy Sheriff #[redacted] (SEB Gold Team)
1060 North Eastern Avenue
Los Angeles, California 90063

Giandomenico, Thomas, Sergeant #[redacted] (SEB Gold Team)
1060 North Eastern Avenue
Los Angeles, California 90063

Civilian Witnesses

None located.

INJURIES/PROPERTY DAMAGE

No deputy personnel were injured in this incident.

There were damages to the front door, a kitchen wall, microwave and cake dish inside the [redacted] residence due to the 9mm rounds. Refer to crime scene pictures, **Exhibit E, pages 111- 115.**

PHYSICAL EVIDENCE

There were several knives and a pair of garden sheers located inside and outside the [redacted] residence. The Cuisinart knife brandished toward the deputies was booked into evidence by crime lab personnel. Refer to crime lab report produced by Deputy Ronald Ducat, **Exhibit D**, and crime scene pictures, **Exhibit E, pages 116-119.**

WEAPON USED BY DEPUTY PERSONNEL

[redacted]

Duty Weapon: Department 37mm Arwen (six shot capacity).

Ammunition: Department authorized Arwen rounds.

Date qualified with Arwen: Sheriff's Response Team from [redacted] through [redacted] (received annual training)

AVILA, David

Duty Weapon: Department authorized Smith & Wesson, model M&P, 9mm caliber semiautomatic pistol, serial # [redacted]

Ammunition: 9mm Luger caliber cartridges bearing "WIN 9mm Luger" head stamp.

Date last qualified: [redacted]

WEAPONS USED BY SUSPECTS

There were several knives and a garden sheer located inside and outside the [redacted] home. The Cuisinart knife used against the deputies was booked into evidence by crime lab personnel. Refer to crime scene pictures, **Exhibit E, pages 116-119.**

CRIMINAL INVESTIGATION

The criminal investigation was handled by [redacted] Detective [redacted] Internal Affairs Bureau Sergeant Sonja Bracken received copies of Detective [redacted] criminal report, refer to **Exhibit A, pages 9-13**.

On November 7, 2013, Detective [redacted] filed charges of two counts of 288a(c)(2)(a)Penal Code; Oral copulation by a caretaker, two counts of 368 (b)(1) Penal Code; Elder Abuse, one count of 210.5 Penal Code; False Imprisonment, two counts of 245 (c) Penal Code; Assault on a Peace Officer, one count of 69 Penal Code; Resisting a Executive Officer, and three counts of 594 (a) Penal Code; Vandalism with Norwalk Superior Court. The criminal case is still on-going; he has a court date of September 26, 2014.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during daylight hours. The weather was fair, warm and clear.

INVOLVED EMPLOYEES STATEMENTS

> **IAB Note:** During the numbering process for this casebook deputy personnel's signatures were cut off of the pictures they used during their IAB interviews to depict their locations. The copies of those pictures are submitted in **Exhibit E** behind the personnel's respective names. The original pictures with their signatures are submitted in the **Miscellaneous Section** of this case.

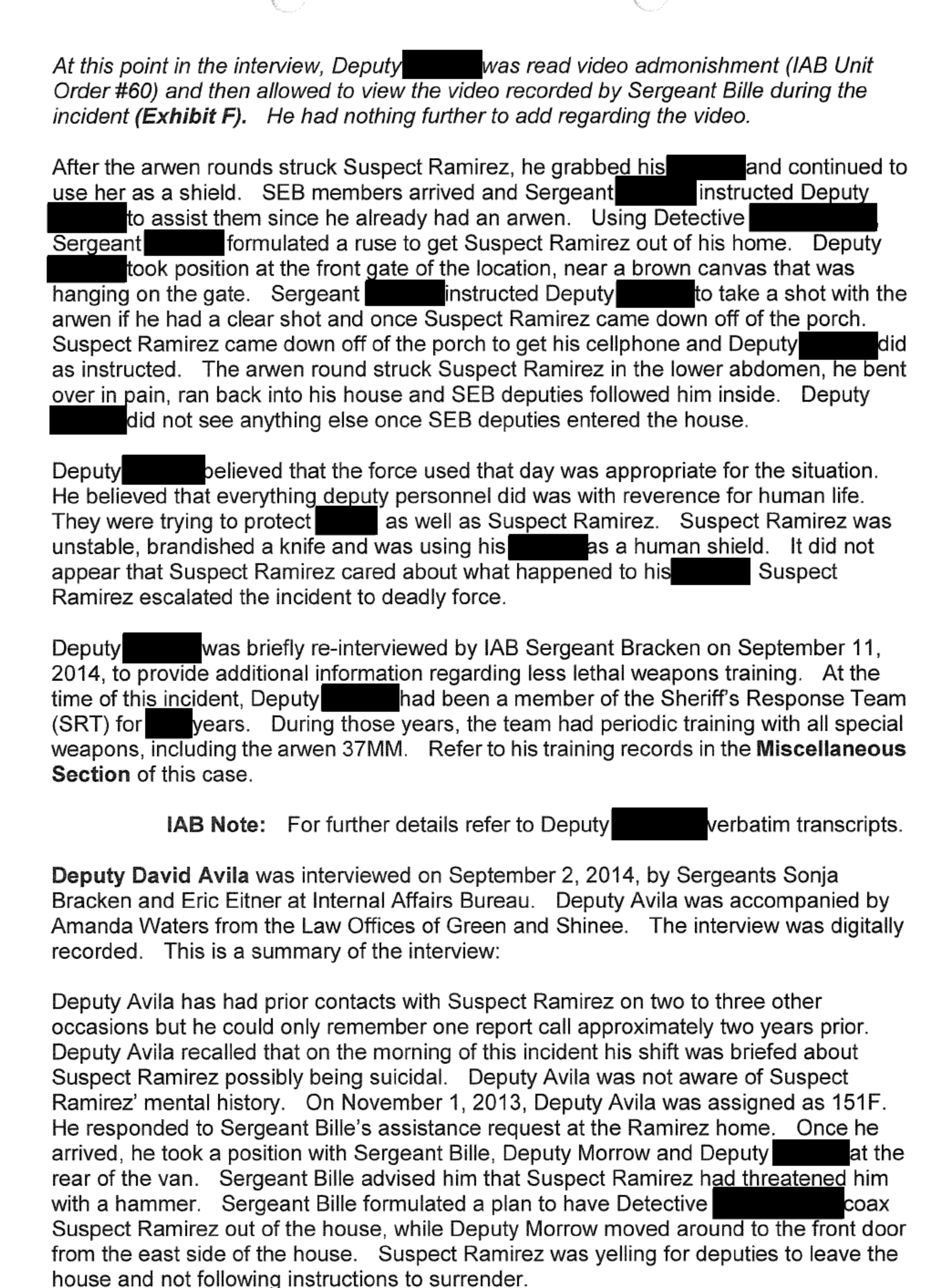
Deputy [redacted] was interviewed on September 2, 2014, by Sergeants Sonja Bracken and Eric Eitner at Internal Affairs Bureau. Deputy [redacted] was accompanied by Amanda Waters from the Law Offices of Green and Shinee. The interview was digitally recorded. This is a summary of the interview:

On the morning of this incident Deputy [redacted] was unit [redacted] He responded to Sergeant Bille's assistance request. Once he arrived at the [redacted] home, Deputy [redacted] recalled that he had assisted with a parole compliance search approximately one year and half before. He recalled that Suspect Ramirez seemed to have some sort of mental issue. He was very excitable and could not carry on a good conversation. Deputy [redacted] did not know if he had been diagnosed with any mental disability or if he was on any types of medications.

Upon Deputy [redacted] arrival at the [redacted] home, he saw Sergeant Bille, Deputy Avila, and Deputy Morrow positioned at the rear of the minivan in the driveway. Deputy Avila had a taser, Sergeant Bille had his firearm and Deputy Morrow had a 37MM arwen. As he approached, Sergeant Bille instructed him [redacted] to take the arwen from Deputy Morrow. Sergeant Bille also instructed him to take the shot if Suspect Ramirez became aggressive towards deputy personnel and if he had a clear shot. Suspect Ramirez was moving in and out of the security screen door and yelling various things. He appeared to be dragging [redacted] around and using her as a shield. Sergeant Bille instructed Deputy Morrow to approach the [redacted] home from the southeast corner. Deputy Morrow was to try and get close enough to grab [redacted] from Suspect Ramirez. Detective [redacted] was attempting to communicate with Suspect Ramirez but he was not complying with instructions to surrender.

*Deputy [redacted] used crime scene pictures to depict the deputies' locations. Refer to **Exhibit E, pages 134-135.***

As Deputy Morrow approached the front door of the home, Suspect Ramirez appeared to have seen him. He immediately ran back into the home, retrieved a large butcher knife, and ran back out onto the porch. Several deputy personnel yelled, "Knife! Knife! Knife!" Suspect Ramirez stepped down off of the porch, used the house to push off and swung the knife towards Deputy Morrow with his right hand. Deputy Morrow was able to back away, while Deputy [redacted] fired one round from the arwen striking Suspect Ramirez in the lower abdomen (pelvis) area. As Deputy Morrow was firing a second arwen round, he heard two shots from a firearm coming from his left. Initially, Deputy [redacted] did not know who fired the firearm; he later found out that it was Deputy Avila. Deputy [redacted] believed that he struck Suspect Ramirez in the right arm with the second arwen round.



*At this point in the interview, Deputy [redacted] was read video admonishment (IAB Unit Order #60) and then allowed to view the video recorded by Sergeant Bille during the incident **(Exhibit F)**. He had nothing further to add regarding the video.*

After the arwen rounds struck Suspect Ramirez, he grabbed his [redacted] and continued to use her as a shield. SEB members arrived and Sergeant [redacted] instructed Deputy [redacted] to assist them since he already had an arwen. Using Detective [redacted], Sergeant [redacted] formulated a ruse to get Suspect Ramirez out of his home. Deputy [redacted] took position at the front gate of the location, near a brown canvas that was hanging on the gate. Sergeant [redacted] instructed Deputy [redacted] to take a shot with the arwen if he had a clear shot and once Suspect Ramirez came down off of the porch. Suspect Ramirez came down off of the porch to get his cellphone and Deputy [redacted] did as instructed. The arwen round struck Suspect Ramirez in the lower abdomen, he bent over in pain, ran back into his house and SEB deputies followed him inside. Deputy [redacted] did not see anything else once SEB deputies entered the house.

Deputy [redacted] believed that the force used that day was appropriate for the situation. He believed that everything deputy personnel did was with reverence for human life. They were trying to protect [redacted] as well as Suspect Ramirez. Suspect Ramirez was unstable, brandished a knife and was using his [redacted] as a human shield. It did not appear that Suspect Ramirez cared about what happened to his [redacted] Suspect Ramirez escalated the incident to deadly force.

Deputy [redacted] was briefly re-interviewed by IAB Sergeant Bracken on September 11, 2014, to provide additional information regarding less lethal weapons training. At the time of this incident, Deputy [redacted] had been a member of the Sheriff's Response Team (SRT) for [redacted] years. During those years, the team had periodic training with all special weapons, including the arwen 37MM. Refer to his training records in the **Miscellaneous Section** of this case.

IAB Note: For further details refer to Deputy [redacted] verbatim transcripts.

Deputy David Avila was interviewed on September 2, 2014, by Sergeants Sonja Bracken and Eric Eitner at Internal Affairs Bureau. Deputy Avila was accompanied by Amanda Waters from the Law Offices of Green and Shinee. The interview was digitally recorded. This is a summary of the interview:

Deputy Avila has had prior contacts with Suspect Ramirez on two to three other occasions but he could only remember one report call approximately two years prior. Deputy Avila recalled that on the morning of this incident his shift was briefed about Suspect Ramirez possibly being suicidal. Deputy Avila was not aware of Suspect Ramirez' mental history. On November 1, 2013, Deputy Avila was assigned as 151F. He responded to Sergeant Bille's assistance request at the Ramirez home. Once he arrived, he took a position with Sergeant Bille, Deputy Morrow and Deputy [redacted] at the rear of the van. Sergeant Bille advised him that Suspect Ramirez had threatened him with a hammer. Sergeant Bille formulated a plan to have Detective [redacted] coax Suspect Ramirez out of the house, while Deputy Morrow moved around to the front door from the east side of the house. Suspect Ramirez was yelling for deputies to leave the house and not following instructions to surrender.

Suspect Ramirez became increasingly agitated and appeared to see Deputy Morrow approaching from the east side. Suspect Ramirez suddenly ran into the house and grabbed a large butcher knife. Suspect Ramirez stepped down off the porch with the knife in his right hand. It appeared that Suspect Ramirez was coming directly towards Deputy Avila with the knife raised. It appeared that Suspect Ramirez was within five to seven feet of him. Deputy Avila was initially assigned to the taser but when Suspect Ramirez appeared to come toward him and then towards Deputy Morrow, he dropped the taser on the ground. Fearing for his own safety, as well as Deputy Morrow's, Deputy Avila retrieved his firearm and fired two shots at Suspect Ramirez, missing him. Simultaneously, Deputy [redacted] fired an arwen at Suspect Ramirez, which struck him. Suspect Ramirez stumbled back into his house.

Deputy Avila used crime scene pictures to depict the deputies' locations. Refer to ***Exhibit E, page136.***

When Deputy Avila fired his firearm, Sergeant Bille and Deputy [redacted] were to his right and slightly behind him. Deputy Avila's target was Suspect Ramirez's chest and up. The house was his backdrop, he could not see [redacted] at the point he shot his firearm. Neither Detective [redacted] nor Deputy Morrow was in his line of fire at the time he fired his weapon. He was not sure if his rounds struck Suspect Ramirez but he believed the arwen rounds struck him based on his actions and him yelling that deputies had shot him. Afterwards, Deputy Avila moved to the rear of the minivan and began requesting assistance and setting up a containment via his portable radio. Suspect Ramirez was still yelling at deputy personnel from the front door and holding his [redacted] in front of him. Within five to ten minutes Watch Commander Lieutenant Robert Smith arrived and instructed him to go set up a command post. Deputy Avila was not there when SEB arrived and did not see anymore of the incident.

At this point in the interview, Deputy Avila was read video admonishment (IAB Unit Order #60) and then allowed to view the video recorded by Sergeant Bille during the incident ***(Exhibit F).*** *He did not have much to add but confirmed that it was his voice on the video who instructed Sergeant Bille and Deputy* [redacted] *to move back to the rear of the minivan after the shooting.*

Deputy Avila added that his mindset upon arrival on the scene was that Suspect Ramirez would have a firearm based on his "Rivera" gang membership. He had previously seen Suspect Ramirez with a tattoo of "Rivera" on his stomach area. At the time Deputy Avila fired his firearm, his mindset was that Suspect Ramirez was coming to stab him and Deputy Morrow. Deputy Avila believed that the force used that day was appropriate based on the totality of the situation.

Deputy Avila was briefly re-interviewed by IAB Sergeant Bracken on September 15, 2014, to provide additional information regarding less lethal weapons training. On the date of this incident, Deputy Avila was equipped with a taser which was carried on the left side of his body in an extended leg holster. The taser was accounted for by the crime lab near the passenger side of the minivan was Deputy Avila's taser. Deputy Avila was aware of the taser policy requiring him to provide a verbal warning of the taser being deployed but he did not have that opportunity. He did not fire the taser due to Suspect Ramirez' movements, he felt that he may not have struck him with both prongs which would cause the taser to be ineffective.

Prior to this incident, sometime in [redacted] Deputy Avila had attended a taser training class for instructors. He also believed that he had taser training in [redacted] prior to this incident but it is not reflected on his training records. Refer to the **Miscellaneous Section** of this case.

> **IAB Note:** For further details refer to Deputy Avila's verbatim transcripts.

SWORN WITNESS STATEMENTS

Sergeant Ernest Bille was interviewed on August 27, 2014, by IAB Sergeants Sonja Bracken and Eric Eitner at Pico Rivera Station. The interview was digitally recorded. This is a summary of the interview:

On October 30, 2013, Sergeant Bille and Lieutenant Robert Smith had visited Suspect Ramirez at his home regarding vandalism he had done to his own home. Suspect Ramirez was responsive, amicable with them on that day and agreed to cover the vandalism. On the morning of November 1, 2013, Sergeant Bille was the on-duty day shift supervisor, 150S. A vandalism call came out at Suspect Ramirez' home, so Sergeant Bille decided to respond to the location to ascertain if any new vandalism had occurred. Once Sergeant Bille arrived on scene, he noticed Suspect Ramirez's minivan parked the middle of the street, in front of the Ramirez house. It was not until Sergeant Bille drove closer to the house that he noticed Suspect Ramirez was in the driver's seat of the minivan.

Suspect Ramirez quickly reversed the minivan and then pulled forward into the driveway. Suspect Ramirez exited the minivan and brandished a hammer, threatening Sergeant Bille with it. While standing near the sergeant's Tahoe, which was parked in the middle of the street, Sergeant Bille attempted to assure Suspect Ramirez that he was there just to speak with him. Suspect Ramirez remained very agitated. While still holding the hammer, Suspect Ramirez went around the front of the minivan and pulled his elderly [redacted], [redacted] out of the front passenger seat of the minivan. As he began dragging her backwards toward the home, Sergeant Bille requested assistance via his portable radio. Suspect Ramirez pushed his [redacted] into the front door of their home. Fearing that Suspect Ramirez would barricade himself and possibly hurt his [redacted], Sergeant Bille advanced toward the porch and deployed a taser. He deployed the taser approximately fifteen feet away from the front door. The taser struck the metal screen door as Suspect Ramirez closed it.

> **IAB Note:** The printout for Sergeant Bille's taser is submitted with this case. Refer to **Exhibit A, pages 54-57**.

Assisting units arrived and Sergeant Bille formulated a tactical plan. He assigned Deputies Francisco Carrillo, Michael Foster, Andres Cantu and Detective [redacted] to take a position on the driver's side of Suspect Ramirez's minivan, facing east into the front door of the location. Detective [redacted] was designated to attempt to negotiate with Suspect Ramirez and Deputy Foster was designated as the primary shooter. Deputies Carrillo and Cantu were designated as the arrest team. Sergeant Bille took a position at the rear passenger side of the minivan, along with Deputy Travis Morrow who had an arwen. Deputy [redacted] arrived and took over the arwen.

Deputy David Avila arrived, took a position at the rear of the minivan with Sergeant Bille and was assigned to a taser. While waiting for additional units to arrive, Sergeant Bille designated himself as lethal force. As Detective [redacted] attempted to coax Suspect Ramirez out onto the front porch, Sergeant Bille designated Deputy Morrow to approach the front door of the [redacted] home from the east. Deputy Morrow was positioned there so he could attempt to keep Suspect Ramirez from returning back into the home and becoming barricaded. Sergeant Bille set up a video camera on the front lawn during the negotiations to capture the incident, **refer to DVD in Exhibit F**.

Sergeant Bille used crime scene pictures to depict the deputies' locations. Refer to ***Exhibit E, pages 129-130.***

Suspect Ramirez became more agitated with the deputies presence, yelling various profanities and not complying with orders to surrender. While standing on the porch, he saw Deputy Morrow approaching the front door from the east. Suspect Ramirez suddenly ran into his house and retrieved a large butcher knife from an unknown location. He then ran out onto the front porch with the butcher knife raised in his right hand, came down off of the porch and ran towards Deputy Morrow. Deputy personnel alerted Deputy Morrow and he was able to back pedal away from Suspect Ramirez. Deputy Avila dropped the taser, retrieved his firearm and fired two shots at Suspect Ramirez. It appeared to Sergeant Bille that Suspect Ramirez was coming towards him and the deputies near him at the rear of the minivan. Sergeant Bille was going to fire his firearm but he felt Deputy [redacted] lean into him and fire two rounds from an arwen. Sergeant Bille was not sure if Suspect Ramirez was hit by any rounds.

Sergeant Bille and Deputy [redacted] moved up to the side of the van to ascertain if Suspect Ramirez had been struck by any rounds, so they could affect a rescue. Once Suspect Ramirez continued to yell at deputy personnel and use his [redacted] as a shield, Sergeant Bille realized that he was not struck by any rounds. As he and Deputy [redacted] retreated back to the rear of the minivan, he was able to see that the two rounds fired by Deputy Avila had struck the front door of the location. Moments later, Watch Commander Lieutenant Smith and the Special Enforcement Bureau (SEB) Gold Team arrived on scene. Sergeant Bille briefed SEB and a plan was devised by Sergeant [redacted] Suspect Ramirez wanted his cellphone which was left in the minivan. Sergeant [redacted] instructed Detective [redacted] to ruse Suspect Ramirez out onto the lawn by using his cellphone. Sergeant [redacted] instructed Deputy [redacted] to standby with the arwen and to fire a round once Suspect Ramirez came out to get his cellphone. The plan was to subdue Suspect Ramirez on the front lawn. The cellphone was tossed on the front lawn, below the porch area. Suspect Ramirez came out to get the cellphone and Deputy [redacted] fired the arwen striking him in the lower abdomen. Suspect Ramirez briefly bent over in pain but was able to run back into the house. SEB deputies followed Suspect Ramirez into the house and he was taken into custody. Sergeant Bille believed that Sergeant [redacted] instructed him to turn off the video camera for tactical reasons, prior to the ruse being used.

Sergeant Bille believed that the force options that were used in this incident were appropriate. Based on case law, Department policies and use of force policies, Sergeant Bille was confident the force that was used was within policy. He was confident and sound with the tactics used that day.

As the incident commander, if anything happened it was because he (Sergeant Bille) directed it and the responsibility fell on him. His job is to protect the public and the deputies. He feels the deputies should be commended for their discipline, restraint and for understanding their roles in this incident.

Sergeant Bille was re-interviewed by IAB Sergeant Bracken on September 15, 2014, to provide additional information regarding less lethal weapons training. Sergeant Bille had taser training several times during the course of his career. Sergeant Bille was familiar with the policy regarding providing a verbal warning when intending to fire a taser and the documentation required. He did not warn Suspect Ramirez of his intent to fire a taser. Sergeant Bille felt it would have compromised his safety and was impractical based on the circumstances. When he fired the taser towards Suspect Ramiez he felt he needed to take immediate action in an effort to stop the situation as quickly as possible.

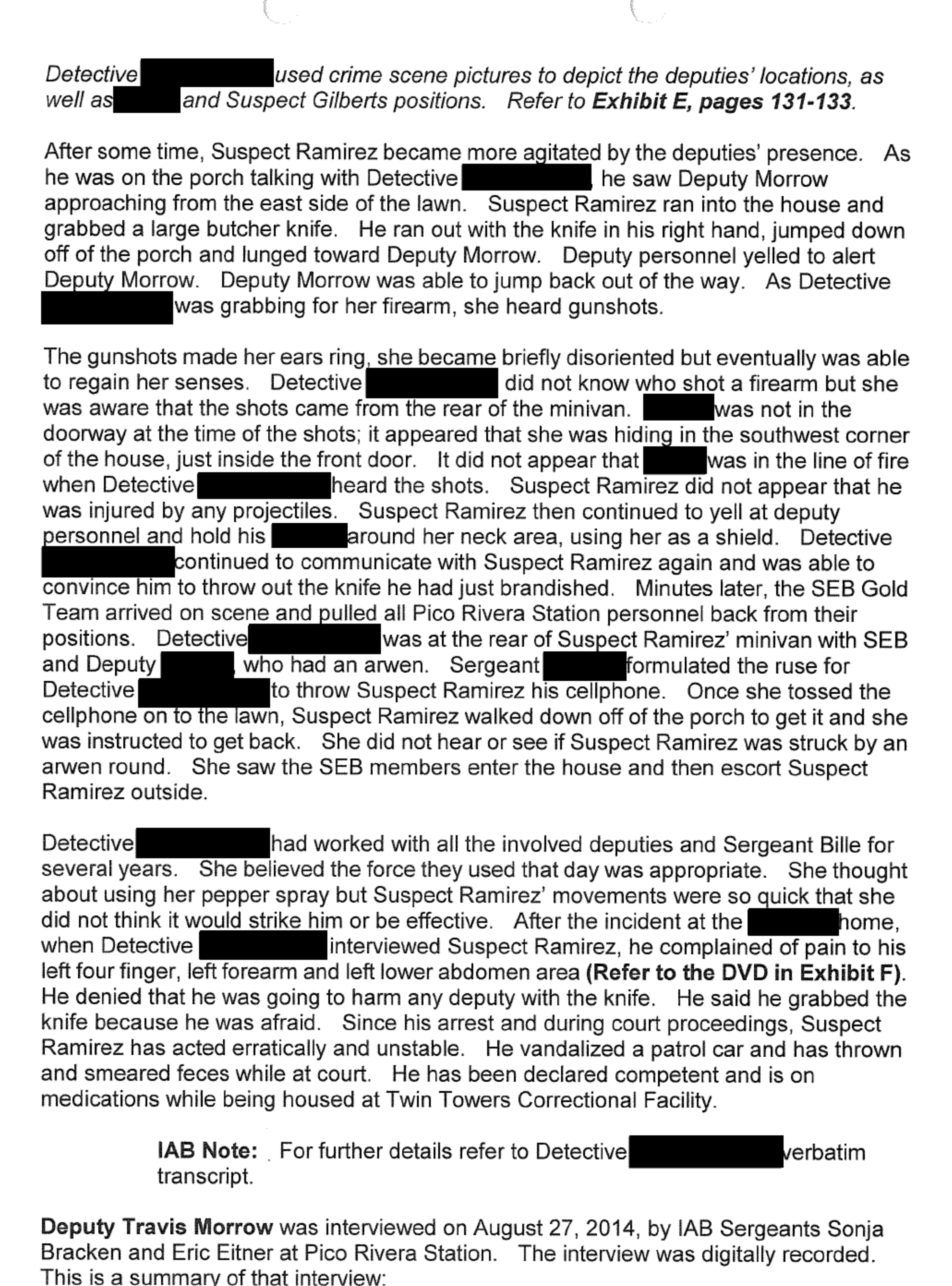
Sergeant Bille also had training with an arwen 37MM weapon prior to this incident. He had worked with all the personnel involved with this incident. He was comfortable that Deputy Morrow and Deputy [redacted] were familiar with the less lethal weapons he assigned them to on that day. Refer to the **Miscellaneous Section** of this case.

IAB Note: For further details refer to Sergeant Bille's verbatim transcripts.

Detective [redacted] was interviewed on August 27, 2014, by IAB Sergeants Sonja Bracken and Eric Eitner at Pico Rivera Station. The interview was digitally recorded. This is a summary of that interview:

During her normal duties as a [redacted] Detective [redacted] had previous telephonic contacts with Suspect Ramirez. She has assisted Adult Protective Services with incidents involving [redacted] She was also aware that he had a drug history and was mentally unstable. On the morning of November 1, 2013, Detective [redacted] was working [redacted] as patrol unit [redacted] She heard Sergeant Bille's call for assistance and responded from the north. Once she arrived, she saw Suspect Ramirez' home and minivan were covered with spray paint/vandalism. She also saw Sergeant Bille with several other deputies at the rear of Suspect Ramirez' minivan, attempting to speak with Suspect Ramirez. Suspect Ramirez appeared to be holding his [redacted] in the doorway of the home, not allowing her to exit.

Sergeant Bille advised Detective [redacted] that Suspect Ramirez had threatened him with a hammer and of his concern for [redacted] safety. Detective [redacted] advised Sergeant Bille that she had a rapport with Suspect Ramirez and that she could try to coax him out of the home. She went to the driver's side of Suspect Ramirez' minivan along with Deputies Foster, Carrillo and Cantu, using the engine block as cover. From the nose of the van, Detective [redacted] began to communicate with Suspect Ramirez. The plan was for Deputy Morrow to work his way around to the front door of the location from the east. If Detective [redacted] was able to distract Suspect Ramirez enough, Deputy Morrow would put himself between him and his [redacted] to rescue her. Detective [redacted] was not sure what deputies were assigned to less-lethal and lethal weapons. Detective [redacted] could see [redacted] in the doorway as she was communicating with Suspect Ramirez. [redacted] appeared scared and disoriented. Suspect Ramirez continuously instructed his [redacted] to tell the deputies to go away and that they did not want the deputies there.



Detective [redacted] used crime scene pictures to depict the deputies' locations, as well as [redacted] and Suspect Gilberts positions. Refer to ***Exhibit E, pages 131-133****.*

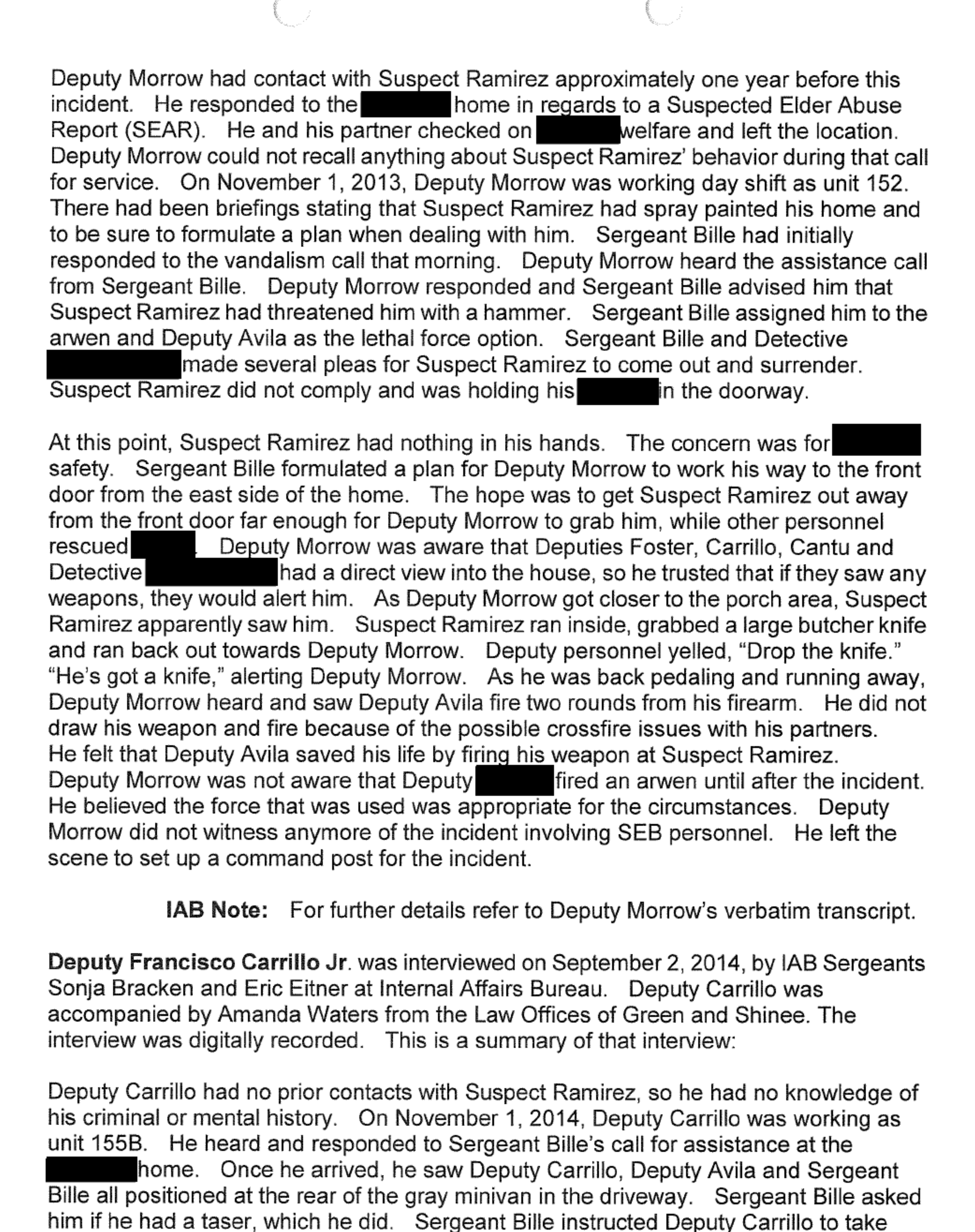
After some time, Suspect Ramirez became more agitated by the deputies' presence. As he was on the porch talking with Detective [redacted] he saw Deputy Morrow approaching from the east side of the lawn. Suspect Ramirez ran into the house and grabbed a large butcher knife. He ran out with the knife in his right hand, jumped down off of the porch and lunged toward Deputy Morrow. Deputy personnel yelled to alert Deputy Morrow. Deputy Morrow was able to jump back out of the way. As Detective [redacted] was grabbing for her firearm, she heard gunshots.

The gunshots made her ears ring, she became briefly disoriented but eventually was able to regain her senses. Detective [redacted] did not know who shot a firearm but she was aware that the shots came from the rear of the minivan. [redacted] was not in the doorway at the time of the shots; it appeared that she was hiding in the southwest corner of the house, just inside the front door. It did not appear that [redacted] was in the line of fire when Detective [redacted] heard the shots. Suspect Ramirez did not appear that he was injured by any projectiles. Suspect Ramirez then continued to yell at deputy personnel and hold his [redacted] around her neck area, using her as a shield. Detective [redacted] continued to communicate with Suspect Ramirez again and was able to convince him to throw out the knife he had just brandished. Minutes later, the SEB Gold Team arrived on scene and pulled all Pico Rivera Station personnel back from their positions. Detective [redacted] was at the rear of Suspect Ramirez' minivan with SEB and Deputy [redacted] who had an arwen. Sergeant [redacted] formulated the ruse for Detective [redacted] to throw Suspect Ramirez his cellphone. Once she tossed the cellphone on to the lawn, Suspect Ramirez walked down off of the porch to get it and she was instructed to get back. She did not hear or see if Suspect Ramirez was struck by an arwen round. She saw the SEB members enter the house and then escort Suspect Ramirez outside.

Detective [redacted] had worked with all the involved deputies and Sergeant Bille for several years. She believed the force they used that day was appropriate. She thought about using her pepper spray but Suspect Ramirez' movements were so quick that she did not think it would strike him or be effective. After the incident at the [redacted] home, when Detective [redacted] interviewed Suspect Ramirez, he complained of pain to his left four finger, left forearm and left lower abdomen area **(Refer to the DVD in Exhibit F)**. He denied that he was going to harm any deputy with the knife. He said he grabbed the knife because he was afraid. Since his arrest and during court proceedings, Suspect Ramirez has acted erratically and unstable. He vandalized a patrol car and has thrown and smeared feces while at court. He has been declared competent and is on medications while being housed at Twin Towers Correctional Facility.

> **IAB Note:** For further details refer to Detective [redacted] verbatim transcript.

Deputy Travis Morrow was interviewed on August 27, 2014, by IAB Sergeants Sonja Bracken and Eric Eitner at Pico Rivera Station. The interview was digitally recorded. This is a summary of that interview:



Deputy Morrow had contact with Suspect Ramirez approximately one year before this incident. He responded to the [redacted] home in regards to a Suspected Elder Abuse Report (SEAR). He and his partner checked on [redacted] welfare and left the location. Deputy Morrow could not recall anything about Suspect Ramirez' behavior during that call for service. On November 1, 2013, Deputy Morrow was working day shift as unit 152. There had been briefings stating that Suspect Ramirez had spray painted his home and to be sure to formulate a plan when dealing with him. Sergeant Bille had initially responded to the vandalism call that morning. Deputy Morrow heard the assistance call from Sergeant Bille. Deputy Morrow responded and Sergeant Bille advised him that Suspect Ramirez had threatened him with a hammer. Sergeant Bille assigned him to the arwen and Deputy Avila as the lethal force option. Sergeant Bille and Detective [redacted] made several pleas for Suspect Ramirez to come out and surrender. Suspect Ramirez did not comply and was holding his [redacted] in the doorway.

At this point, Suspect Ramirez had nothing in his hands. The concern was for [redacted] safety. Sergeant Bille formulated a plan for Deputy Morrow to work his way to the front door from the east side of the home. The hope was to get Suspect Ramirez out away from the front door far enough for Deputy Morrow to grab him, while other personnel rescued [redacted]. Deputy Morrow was aware that Deputies Foster, Carrillo, Cantu and Detective [redacted] had a direct view into the house, so he trusted that if they saw any weapons, they would alert him. As Deputy Morrow got closer to the porch area, Suspect Ramirez apparently saw him. Suspect Ramirez ran inside, grabbed a large butcher knife and ran back out towards Deputy Morrow. Deputy personnel yelled, "Drop the knife." "He's got a knife," alerting Deputy Morrow. As he was back pedaling and running away, Deputy Morrow heard and saw Deputy Avila fire two rounds from his firearm. He did not draw his weapon and fire because of the possible crossfire issues with his partners. He felt that Deputy Avila saved his life by firing his weapon at Suspect Ramirez. Deputy Morrow was not aware that Deputy [redacted] fired an arwen until after the incident. He believed the force that was used was appropriate for the circumstances. Deputy Morrow did not witness anymore of the incident involving SEB personnel. He left the scene to set up a command post for the incident.

IAB Note: For further details refer to Deputy Morrow's verbatim transcript.

Deputy Francisco Carrillo Jr. was interviewed on September 2, 2014, by IAB Sergeants Sonja Bracken and Eric Eitner at Internal Affairs Bureau. Deputy Carrillo was accompanied by Amanda Waters from the Law Offices of Green and Shinee. The interview was digitally recorded. This is a summary of that interview:

Deputy Carrillo had no prior contacts with Suspect Ramirez, so he had no knowledge of his criminal or mental history. On November 1, 2014, Deputy Carrillo was working as unit 155B. He heard and responded to Sergeant Bille's call for assistance at the [redacted] home. Once he arrived, he saw Deputy Carrillo, Deputy Avila and Sergeant Bille all positioned at the rear of the gray minivan in the driveway. Sergeant Bille asked him if he had a taser, which he did. Sergeant Bille instructed Deputy Carrillo to take position on the driver's side of the minivan. He was positioned on the driver's side of the van along with Deputy Foster and Detective [redacted]. From his vantage point, Deputy Carrillo could see that Suspect Ramirez was standing behind his [redacted] ([redacted] and was holding her with his arm around her chest area. He also appeared to be using her as a shield.

Deputy Carrillo used crime scene pictures to depict the deputies' locations. Refer to ***Exhibit E, pages 137-138.***

Deputy Carrillo did not hear any instructions from Sergeant Bille to Deputy Morrow. Detective [redacted] was attempting to get Suspect Ramirez to surrender. As Suspect Ramirez came out onto the front porch he yelled, "I don't want you to do anything to me." He then turned to his left and appeared to see Deputy Morrow. Suspect Ramirez then said, "You too, especially you." Suspect Ramirez suddenly ran back into the house, retrieved a large butcher knife from an unknown location and ran back out on the porch. Deputy Carrillo heard Deputy Foster yelling, "Knife, knife!" Deputy Carrillo attempted to position himself to his left, at the front of the van in order to tase Suspect Ramirez but Detective [redacted] simultaneously stepped to her right, in his line of fire. Deputy Carrillo did not fire his taser.

Deputy Carrillo saw that Suspect Ramirez had the knife in his right hand and appeared to be using his left hand to hold onto the house as he swung the knife toward Deputy Morrow's position. Deputy Carrillo then heard two shots from a handgun. He did not know who fired a handgun at the time. Suspect Ramirez then ran back inside his home and closed the metal screen door. Deputy Carrillo did not recall hearing an arwen discharged. Deputy Carrillo could see Suspect Ramirez' silhouette through the metal screen door. Deputy Carrillo could see [redacted] sitting in a white chair partially concealed by the southwest corner of the house (right at the door area). Detective [redacted] was able to convince Suspect Ramirez to toss out the knife that he had in his possession. They all maintained their positions at the passenger side of the minivan for approximately two minutes when they were relieved by SEB. He then took position behind SEB's armored vehicle and did not see what else occurred until Suspect Ramirez was escorted out by SEB deputies.

> **IAB Note:** For further details refer to Deputy Carrillo's verbatim transcript.
>
> **IAB Note:** Mr. [redacted] was interviewed by Deputy Carrillo on the day of the incident. He was told to email a video of what he saw to Detective Javier Azteca but he never did (verified with Detective Azteca by Sergeant Bracken). Deputy Carrillo did not review the video. Mr. [redacted] statement was that he heard one to two shots and he came outside of his business to see what had occurred. He saw deputies yelling for someone to come out of the house. He then went back to work.
>
> Per IAB Sergeant Brackens' instructions, Deputy Carrillo re-contacted Mr. [redacted] and he no longer had the video. Deputy Carrillo wrote an additional supplemental report addressing the absence of the video. Refer to Deputy Carrillo's supplemental reports for further, **Exhibit A, pages 24- 25 and in Miscellaneous Documents**.

Deputy Michael Foster was interviewed on September 2, 2014, by IAB Sergeants Sonja Bracken and Eric Eitner at Internal Affairs Bureau. Deputy Foster was accompanied by Amanda Waters from the Law Offices of Green and Shinee. The interview was digitally recorded. This is a summary of that interview:

Deputy Foster had no prior contacts with Suspect Ramirez. He had heard via briefings that Suspect Ramirez had spray painted his house with various profanities towards Pico Rivera Station deputies. Deputy Foster was not aware if Suspect Ramirez had any mental issues. On the morning of this incident, Deputy Foster was assigned as 151M2, a motorcycle unit. Via his portable radio, Deputy Foster heard Sergeant Bille call for assistance and he responded. Upon arrival, he saw Sergeant Bille standing in the driveway/front yard area of the Ramirez home holding a taser that had been deployed. Sergeant Bille advised him that Suspect Ramirez had threatened him with a hammer. Both he and Sergeant Bille began to give Suspect Ramirez commands to surrender. Suspect Ramirez was on the front porch of the home yelling back them. Sergeant Bille designated him as lethal force and instructed him to go the driver's side of the minivan. At this point, additional assisting units began to arrive and take positions at the minivan.

*Deputy Foster used crime scene pictures to depict the deputies' locations. Refer to **Exhibit E, pages 139-140**.*

Sergeant Bille's plan was to contain the scene, he then designated Deputy [redacted] as the arwen shooter. Deputy Avila was assigned to lethal and/or taser. Deputy Foster saw [redacted] who appeared to be a hostage. The plan was to have Deputy Morrow approach the front porch of the house from the south side and get between Suspect Ramirez and [redacted] in order to get Suspect Ramirez away from [redacted]. After approximately ten to fifteen minutes of trying to get Suspect Ramirez to surrender, he became more agitated. He was on the porch and saw Deputy Morrow near the front of his house. He suddenly ran back inside the house and ran back out with a large butcher knife in his right hand. Suspect Ramirez ran east towards Deputy Morrow and appeared to have gotten within two to four feet of him. Deputy Foster yelled, "He's got a knife. Knife. He's got a knife." to alert his partners. He was afraid that Suspect Ramirez was going to stab one of his partners.

Deputy Foster elected not to shoot his firearm from his position because [redacted] and Deputy Morrow were in his backdrop. Deputy Foster also did not fire his weapon because Detective [redacted] who was attempting to talk with Suspect Ramirez, was standing at the bottom of the porch; she was in his crossfire. At this point, Deputy Foster heard shots fired from both an arwen and a firearm. Suspect Ramirez then ran back inside the house. He saw [redacted] tucked into the southwest wall, right at the front door at the time he heard the shots. Deputy Foster was not sure if Suspect Ramirez was struck by either weapon until he raised his shirt in the doorway and showed [redacted] that he had been shot. He had a welt on his abdomen area. Suspect Ramirez began to use [redacted] as a shield.

*At this point in the interview, Deputy Foster was read video admonishment (IAB Unit Order #60) and then allowed to view the video recorded by Sergeant Bille during the incident **(Exhibit F)**. He had nothing further to add regarding the video.*

During the incident, Deputy Foster was concerned for [redacted] safety. He was also concerned that at any point Suspect Ramirez could have killed anyone of the deputies with the knife he brandished. Based on the totality of the situation with Suspect Ramirez that day, Deputy Foster felt that force used was appropriate.

IAB Note: For further details refer to Deputy Foster's verbatim transcript.

Deputy Andres Cantu was interviewed on September 2, 2014, by IAB Sergeants Sonja Bracken and Eric Eitner at Internal Affairs Bureau. Deputy Cantu was accompanied by Amanda Waters from the Law Offices of Green and Shinee. The interview was digitally recorded. This is a summary of that interview:

Deputy Cantu had no prior contacts with Suspect Ramirez. Sometime prior to the incident on November 1, 2014, Lieutenant Smith had told Deputy Cantu that Suspect Ramirez had spray painted his home with various profanities towards Pico Rivera Station deputies. Deputy Cantu was not aware if Suspect Ramirez had any mental issues. On the morning of this incident, Deputy Cantu was assigned as 151T1. Via his portable radio, Deputy Cantu heard Sergeant Bille call for assistance and he responded. Upon his arrival, he saw Suspect Ramirez in the doorway of the home. He saw Detective [redacted] at the front driver's side of the minivan in the driveway with Deputy Foster. He saw Deputy Carrillo, Sergeant Bille and Deputy [redacted] at the rear of the minivan.

Deputy [redacted] was equipped with the arwen. He also saw Deputy Morrow towards the east side of the house. Sergeant Bille advised Deputy Cantu that Suspect Ramirez had threatened him with a hammer. Sergeant Bille assigned Deputy Cantu to be part of an arrest team with Deputy Carrillo and sent him up to the driver's side of the minivan. Sergeant Bille's plan was to get Suspect Ramirez out on the porch far enough for Deputy Morrow get between him and Annie.

Deputy Cantu used crime scene pictures to depict the deputies' locations. Refer to ***Exhibit E, pages 141-142.***

Suspect Ramirez moved in and out of the doorway, periodically getting behind [redacted] and continuously yelling at deputy personnel. He became more agitated with the deputies presence. From his angle at the front area of the minivan, Deputy Cantu could see Suspect Ramirez suddenly run east into the house, bend over towards the south portion of the house and retrieve something. Deputy Cantu believed he was possible getting a weapon, so he drew his own firearm. Suspect Ramirez then ran out of the house with a knife took a step off of the porch and ran east toward Deputy Morrow. Fearing for Deputy Morrow's safety, Deputy Cantu took a step to his left, at the nose of the van but Deputy Foster was in front of him. Deputy Cantu did not fire his weapon due to Deputy Foster's location and Deputy Morrow's location in the backdrop. He then heard two shots from a firearm and saw Suspect Ramirez run back into the house. Suspect Ramirez grabbed [redacted] and began using her as a shield. Deputy Cantu did not hear an arwen fired during the incident. Detective [redacted] continued to try to convince Suspect Ramirez to surrender and he was not complying. After approximately four to five minutes, a small group of citizens began to gather west of the [redacted] house. Sergeant Bille assigned Deputy Cantu to make sure the people stayed back and to set up yellow crime scene tape. Once SEB arrived on scene Deputy Cantu did not see anymore of the incident.

During the incident, Deputy Cantu's thought that Suspect Ramirez was out of control and was not in the right state of mind. He thought Suspect Ramirez would kill [redacted] Deputy Cantu believed that the force used that day was appropriate. He felt that the arwen was a great tool. If he had a clear shot on Suspect Ramirez when he brandished the knife, Deputy Cantu would have shot his firearm.

IAB Note: For further details refer to Deputy Cantu's verbatim transcript.

The **four SEB Gold team members** involved in this incident were not interviewed by IAB. They were not present during the initial use of force by Pico Rivera Station personnel. **Sergeant** [redacted] and **Deputy** [redacted] took Suspect Ramirez to the floor inside the house, took the garden sheers from him and handcuffed him. **Sergeant Giandomenico** and **Deputy Coates** rescued [redacted] Their supplemental reports covered their involvement and their account of the incident was essentially the same as the other personnel. Refer to **Exhibit A, pages 40-46.**

CIVILIAN STATEMENTS

[redacted] was interviewed by Pico Rivera Station Deputies, as well as by IAB investigators on the day of the incident. She seemed very disoriented and denied that her [redacted] was fighting with deputies. Refer to her transcribed interview with IAB investigators and videos in **Exhibit D.**

SUSPECTS STATEMENTS

On November 1, 2013, Suspect Ramirez was interviewed on video by Detective [redacted] after the incident. Refer to the DVDs in **Exhibit F**, labeled 1st Interview. Also on November 1, 2013, Suspect Ramirez vandalized a patrol car once he arrived at Inmate Reception Center (IRC). Refer to the report in **Exhibit C**. Due to Suspect Ramirez's mentally erratic behavior and the ongoing criminal trial, IAB investigators did not interview him.

> **IAB Note:** During the incident, Suspect Ramirez took pictures of deputy personnel as he was standing on his front porch. Refer to **Exhibit E, pages 120-128**.